

**Bureau of Land Management
Winnemucca District Office
HRFO (W010)**

Categorical Exclusion

CX#: DOI-BLM-NV-W010-2013- 0010-CX

Date: 9/7/2012

Lease / Case File / Serial #: N-91356

Regulatory Authority (CFR or Law): 2920

BLM Manual: 2920

Subject Function Code: 2920

Is the project located within a Preliminary Priority Habitat? ☐ Yes ☒ No

Is the project located within a Preliminary General Priority Habitat? ☐ Yes ☒ No

Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)? ☐ Yes ☒ No

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Julie McKinnon

3. Project Title: Geotechnical Soil Sampling Project

4. Applicant: Barrick Gold

5. Project Description: (briefly describe who, what, when, where, why, how)

Barrick Gold has submitted a land use permit application to conduct geotechnical soil sampling to support a review of possible alternative transportation routes between active mine site.

Barrick has identified 31 possible drilling locations along with the existing access and overland travel routes (as shown on the maps) for soil sampling. They are proposing to use a truck mounted bore auger drill (CME 75 or CME 85) with rubber tires, support truck and water tender if needed or required. Access to the proposed drill hole locations would be by existing roads and overland travel to each drill hole location (once in, once out). The disturbance footprint of each drill hole is estimated to be 12½ feet x 6 feet (including the cuttings) and could be anywhere from 10'-100' deep. Once sampling is complete, each hole would be backfilled with the soil cuttings.

Permit authorization would not exceed a 3 year term.

We would include similar terms and conditions as are used with a mining notice plus any other mitigation measures deemed necessary.

Project dimensions (length, width, height, depth): Access roads overland travel routes could vary in width but generally would be the width of drill rig. 12.5'x6'

Total Acres: 0.17 acres

BLM Acres: 0.17 acres

Will the project result in new surface disturbance? ☒ Yes ☐ No

Has the project area been previously disturbed? ☐ Yes ☐ No ☒ N/A possibly

If yes, what percent of the project area has been disturbed? % . If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: T.36 N., R. 42 E., sec. 16, SWNE, NENW;
sec. 22, SE;
sec. 26, NENW, NWSE, SESE;
sec. 36, SENW, NWSE.
T. 37 N., R. 42 E., sec. 16, S2NW;
sec. 17, SESE;
sec. 20, NENE, NEWS;
sec. 29, NENW, NWSE;
sec. 32, NWNE, NESE, SESE.
T. 38 N., R. 42 E., sec. 2, NESE;
sec. 26, SWNW;
sec. 34, SWNE, NESW.
T. 39 N., R. 42 E., sec. 36, SENE, NEWS, SESW.
T. 35 N., R. 43 E., sec. 6, NWNW, NESW;
sec. 8, SWSW;
sec. 28, NENE.

USGS 24k Quad name: Dry Hills South, Red House Flat East, Red House Flat West, and Knight

100k map name: Winnemucca & Osgood

Land Status: ☒ BLM ☐ Private ☐ Other_____.

7. Add project to your version for the NEPA Geodatabase. Using the NEPA Geodatabase and templates (T:\NV\GIS_Work\WMDO\Templates) **create PDFs** of 1:24,000 Project Location Map and 1:100,000 general vicinity map. For more guidance, see S:\NEPA\NEPA_2012\NEPA 2012 Templates\Proposed Action\CX Proposed Action Form and Instructions).

Part I: Plan Conformance Review

The Proposed Action is subject to the:

- ☒ Paradise-Denio Management Framework Plan
- ☐ Sonoma-Gerlach Management Framework Plan
- ☐ Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

The proposed action is not specifically stated in the LUP but is in conformance with the Federal Land Policy and Management Act (FLPMA), Sec. 302 (b) *In managing the public lands, the Secretary shall, subject to this Act and other applicable law and under such terms and conditions as are consistent with such law, regulate, through easements, permits, leases, licensee, published rules, or other instruments as the Secretary deems appropriate, the use, occupancy, and development of the public lands, including, but not limited to, long-term leases to permit individuals to utilize public lands for habitation, cultivation, and the development of small trade or manufacturing concerns...*

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

☒ 43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*) 1.6: Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

☒ 516 DM 11.9, (BLM) E. Realty #19: Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the proposed action result in "take" under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sand Cholla (<i>Grusonia pulchella</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prior to any surface disturbing activities, a special status plant survey is required for the entire disturbance area including overland travel. Surveys must follow established BLM standards and protocols. Surveys must be conducted by a BLM approved biologist. Survey results must be reviewed and approved by BLM before surface disturbance can occur. If a special status plant is located, a protective buffer will be delineated in consultation with the authorized officer.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pygmy rabbit (<i>Brachylagus idahoensis</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Review of your proposed project determined that the project area may have suitable habitat for pygmy rabbits. Prior to any ground disturbing activities, including overland travel, a survey to determine the presence/absence of pygmy rabbits must be conducted. Surveys must follow established BLM standards and protocols. Survey results must be reviewed and approved by BLM before surface disturbance can occur. If burrows or burrow complexes are found, a minimum 400 foot buffer within suitable sage-brush habitat will be applied to ensure that the burrows are not impacted by the proposed project.
<input type="checkbox"/>	<input type="checkbox"/>	burrowing owl (<i>Athene cunicularia</i>), loggerhead shrike (<i>Lanius ludovicianus</i>), sage thrasher (<i>Oreoscoptes</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See mitigation for MBTA (Table 2)

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
		<i>montanus</i>), vesper sparrow (<i>Pooecetes gramineus</i>)		

Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (Scientific) Name	May Be Affected?	Recommended Mitigation
<p>The following is a representative, but not an inclusive list of migratory birds that may utilize the proposed project area.</p> <p>Prairie falcon (<i>Falco mexicanus</i>), ferruginous hawk (<i>Buteo regalis</i>), western meadowlark (<i>Sturnella neglecta</i>), black-throated sparrow (<i>Amphispiza bilineata</i>), Brewer's blackbird (<i>Euphagus cyanocephalus</i>), Brewer's sparrow (<i>Spizella breweri</i>), burrowing owl (<i>Athene cunicularia</i>), canyon wren (<i>Catherpes mexicanus</i>), gray flycatcher (<i>Empidonax wrightii</i>), green-tailed towhee (<i>Pipilo chlorurus</i>), loggerhead shrike (<i>Lanius ludovicianus</i>), rock wren (<i>Salpinctes obsoletus</i>), sage sparrow (<i>Amphispiza belli</i>), sage thrasher (<i>Oreoscoptes montanus</i>), western meadowlark (<i>Sturnella neglecta</i>), and vesper sparrow (<i>Pooecetes gramineus</i>)</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols. Notify BLM at least 10 working days in advance of proposed survey. Survey results must be reviewed and approved by BLM before surface disturbance can occur. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.</p>
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Mitigation Measures/Remarks:

- Prior to any surface disturbing activities, a special status plant survey is required for the entire disturbance area including overland travel. Surveys must follow established BLM standards and protocols. Surveys must be conducted by a BLM approved biologist. Survey results must be reviewed and approved by BLM before surface disturbance can occur. If a special status plant is located, a protective buffer will be delineated in consultation with the authorized officer.
- Review of your proposed project determined that the project area may have suitable habitat for pygmy rabbits. Prior to any ground disturbing activities, including overland travel, a survey to determine the presence/absence of pygmy rabbits must be conducted. Surveys must follow established BLM standards and protocols. Survey results must be reviewed and approved by BLM before surface disturbance can occur. If burrows or burrow complexes are found, a minimum 400 foot buffer within suitable sage-brush habitat will be applied to ensure that the burrows are not impacted by the proposed project.
- In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols. Notify BLM at least 10 working days in advance of proposed survey. Survey results must be reviewed and approved by BLM before surface disturbance can occur. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Part III: DECISION:

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required.

☒ Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)

☐ Based on regulatory authority or law that allows BLM to take action, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Authorized Official /s/Vern Graham Date: 2/28/2013
(Signature)

Pursuant to 2805.13, a right-of-way grant is effective after both the applicant and the BLM sign it, which carries the “full force and effect” of the decision. Full force and effect means that the decision can be implemented immediately even if the decision is appealed to the IBLA. An affected party has the opportunity to file a petition for a stay with an appeal to the IBLA. Immediate implementation is an option, not a requirement, of the decision.

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Vern Graham, Field Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the

document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).